

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

GREGORY TAPAOAN; MICHAEL) CIVIL NO. 01-00815 DAE LEK
MARS; PEDRO RIBERIO; JOHN L.) (Class Action; Injunctions)
LEVAN; FLOYD SANTOS; FLOYD)
SYLVESTER; LEO TOILOLO; JOSE) Declaration of Elbridge W. Smith;
BACDAD; and GEORGE RABAGO,) Exhibit "A"
)
Plaintiffs,)
vs.)
)
BENJAMIN CAYETANO, et al.,)
)
Defendants.)
)

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DECLARATION OF ELBRIDGE W. SMITH

I, ELBRIDGE W. SMITH, do hereby declare:

1. I am the Court appointed Claims Administrator for the Claims Fund pursuant to the Class Action Settlement Agreement in the above-referenced action.

2. I make this Declaration of my own personal knowledge and am competent to testify to the declarations stated herein.

3. Pursuant to the duties and responsibilities of the Claims Administrator to locate potential claimants, I caused the approved Notice of the Tapaoan v. Cayetano Settlement and of the Class Action Claim Form to be sent to potential claimants, who returned the completed Class Action Claim Form for evaluation and possible participation in the Settlement Fund. That Class action Claim Form provides near the bottom of the reverse side that “The information given here is private, and will be held in strictest confidence.”

4. A true and correct copy of the Class Action Claim Form is attached hereto as Exhibit “A.”


5. I am to be presently filing the Claims Administrator's Proposed Plan of Allocation and Report (hereinafter "Plan Report"). That Plan Report will contain two versions of my Adjudication Report. The first is to be a redacted copy of that Adjudication Report from which the claimants' names shall be hidden from view in order to protect their personal privacy. Visible will be the claimant number, the number of Over Detention days awarded, whether compensation for an illegal Search was awarded, the total Amount of Monetary Compensation Awarded and any relevant Comments. The second complete copy of the Adjudication Report will also contain each claimant's name in addition to all the same information as contained in the redacted copy of that Report.

6. In accordance with the Class Action Claim Form providing that the claimants' information will be kept private and held in strictest confidence (Exhibit "A" hereto), I as the Claims Administrator request *ex-parte* that the second unredacted copy of this Adjudication Report containing claimant names be filed under seal with this Court, so that only the redacted version, deleting the names of the claimants, will be accessible to the public.

7. The parties identified on the attached Certificate of Service were contacted and given notice of this *Ex-parte* Motion to File under Seal prior to the filing of this *ex-parte* motion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: Honolulu, Hawaii, December 15, 2006.



Elbridge W. Smith
Claims Administrator